

Steven M. Wilker, OSB No. 911882
Direct Dial: 503.802.2040
Fax: 503.972.3740
E-Mail: steven.wilker@tonkon.com
David S. Aman, OSB No. 962106
Direct Dial: 503.802.2053
Fax: 503.972.3753
E-Mail: david.aman@tonkon.com

TONKON TORP LLP
1600 Pioneer Tower
888 S.W. Fifth Avenue
Portland, OR 97204

Attorneys for Plaintiffs

UNITED STATES DISTRICT COURT

DISTRICT OF OREGON

Portland Division

**OBSIDIAN FINANCE GROUP, LLC and
KEVIN D. PADRICK,**

Plaintiffs,

v.

CRYSTAL COX,

Defendant.

Civil No. CV 11-0057 HA

**MEMORANDUM IN SUPPORT
OF PLAINTIFFS' MOTION TO
COMPEL**

I. INTRODUCTION

Plaintiffs move for an order to compel against defendant Cox because she has once again failed to respond to properly served written discovery. The Court should issue an order requiring defendant to produce documents and answer interrogatories immediately.

II. THE COURT SHOULD ISSUE AN ORDER COMPELLING COX TO RESPOND TO THE DISCOVERY

On December 28, 2011, plaintiffs served their Second Set of Requests for Production and Second Set of Interrogatories by mail and email. (Aman Decl., ¶ 2, Ex. 1). Under FRCP 34, the responses to those discovery requests were due on January 30, 2012. Defendant has not responded to the requests. At the same time, however, since the date the judgment was entered in this case, defendant Cox has begun transferring domain names she once owned to other parties. (Aman Decl., ¶ 5, Ex. 3).

The Court should issue an order requiring defendant to produce the requested documents and to answer the interrogatories. The documents and information sought are relevant and discoverable as part of plaintiff's efforts to execute on the judgment, as they seek information and documents relating to assets and the transfer of assets. *See* FRCP 69(a)(2). Given defendant's recent transferring of domain names to third parties, plaintiffs are concerned that defendant may be transferring other assets as well. As a result, plaintiffs request that the Court issue a ruling requiring defendant to immediately produce the requested documents and answer the interrogatories.

DATED this 7th day of February 2012.

TONKON TORP LLP

By: /s/ David S. Aman

Steven M. Wilker, OSB No. 911882

Direct Dial: 503.802.2040

Fax: 503.972.3740

E-Mail: steven.wilker@tonkon.com

David S. Aman, OSB No. 962106
Direct Dial: 503.802.2053
Fax: 503.972.3753
E-Mail: david.aman@tonkon.com
Attorney for Plaintiffs

CERTIFICATE OF SERVICE

I hereby certify that I served the foregoing **MEMORANDUM IN SUPPORT OF PLAINTIFFS' MOTION TO COMPEL** on:

Crystal L. Cox
PO Box 505
Eureka, Montana 59917
Crystal @CrystalCox.com
savvybroker@yahoo.com

- ☒ by mailing a copy thereof in a sealed, first-class postage prepaid envelope, addressed to said party's last-known address and depositing in the U.S. mail at Portland, Oregon on the date set forth below;
- ☒ by causing a copy thereof to be e-mailed to said party at her last-known email address on the date set forth below;

and

- ☒ By electronic means through the Court's Case Management/Electronic Case File system on the date set forth to the following attorneys:

Benjamin N. Souede
Angeli Law Group LLC
121 SW Morrison Street
Suite 400
Portland, OR 97204
Benjamin@angelilaw.com

Richard D. McLeod
Klarquist Sparkman, LLP
121 SW Salmon St., Ste 1600
Portland, OR 97204
Richard.mcleod@klarquist.com

DATED this 7th day of February 2012.

TONKON TORP LLP

By /s/ David S. Aman

David S. Aman, OSB No. 962106

Direct Dial: 503.802.2053

Fax: 503.972.3753

E-Mail: david.aman@tonkon.com

Attorneys for Plaintiffs